

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Rusty S. Nagle**

**Docket No. 5:12-MJ-2099-1**

**Petition for Action on Probation**

COMES NOW Robert K. Britt, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Rusty S. Nagle, who, upon an earlier plea of guilty to Driving While Impaired - Level 5 in violation of 18 U.S.C. §13 assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on February 12, 2013, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service during the first 30 days of probation as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until privilege to do so is restored in accordance with law.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On August 19, 2013, Mr. Nagle submitted a urine sample that tested positive for the use of marijuana. He states that he was around the wrong associates and this would not happen again. It is recommended that he complete an additional 24 hours of community service as a sanction for this violation. He has already completed the original 24 hours that were ordered.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall perform an additional 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: August 29, 2013

**ORDER OF COURT**

Considered and ordered this 29th day of August, 2013, and ordered filed and made a part of the records in the above case.

  
James E. Gates  
United States Magistrate Judge